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De : AGROBIONOUR, SA. DE CV Núm Fax: 605218 6

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P 1 1-8-02

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re United States Patents and Patent Applications  
In the Name of DNA Plant Technology Corporation

Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY AND  
CHANGE OF CORRESPONDENCE ADDRESS**

DNA Plant Technology Corporation is the Assignee of the patent applications and patents listed in Exhibit A hereto. I am authorized to sign this submission on behalf of the Assignee.

In accordance with 37 C.F.R. § 3.73 Assignee hereby revokes all prior powers of attorney and appoints as the new attorneys of record and grants the sole power of attorney, with full power of substitution and revocation, for the patent applications and patents listed in Exhibit A hereto, and for all transactions with the U.S. Patent and Trademark Office in connection therewith, to Richard E. Oney (Reg. No. 36,884) and Susan Stone Rosenfield (Reg. No. 36,287).

Please amend these files to reflect this change and send all future correspondence and telephone inquiries to Ms. Rosenfield at:

FENNEMORE CRAIG  
3003 N. Central Avenue  
Suite 2600  
Phoenix, Arizona 85012  
Tel: (602) 916-5317  
Fax (602) 916-5517  
srosenfield@fclaw.com

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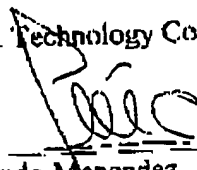
POWER OF ATTORNEY AND  
CHANGE OF CORRESPONDENCE ADDRESS  
Patents and Patent Applications  
In the Name of DNA Plant Technology Corporation

Assignee hereby authorizes any member of the firm of Fennemore Craig, P.C. to insert or complete any information on this document that is needed in order for such attorney and firm to take action in the United States Patent and Trademark Office.

Respectfully submitted,

DNA Plant Technology Corporation

Dated: December 5, 2002

By:   
Fernando Menendez  
Vice President & Treasurer

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**EXHIBIT A****Patent Applications**

Serial No. 09/186,775

**Patents**

Patent No. 6,452,067  
Patent No. 6,392,119  
Patent No. 6,291,744  
Patent No. 6,274,791  
Patent No. 6,242,668  
Patent No. 6,133,035  
Patent No. 5,981,727  
Patent No. 5,952,546  
Patent No. 5,952,543  
Patent No. 5,945,580  
Patent No. 5,910,627  
Patent No. 5,776,448  
Patent No. 5,773,693  
Patent No. 5,633,450  
Patent No. 5,633,440  
Patent No. 5,608,144  
Patent No. 5,554,521  
Patent No. 5,534,660  
Patent No. 5,498,831  
Patent No. 5,489,745  
Patent No. 5,447,836  
Patent No. 5,438,152  
Patent No. 5,374,540  
Patent No. 5,337,640  
Patent No. 5,290,687  
Patent No. 5,286,635  
Patent No. 5,283,184  
Patent No. 5,278,057  
Patent No. 5,262,316  
Patent No. 5,240,839

**Patents**

Patent No. 5,231,020  
Patent No. 5,187,061  
Patent No. 5,180,873  
Patent No. 5,124,505  
Patent No. 5,118,792  
Patent No. 5,102,797  
Patent No. 5,066,594  
Patent No. 5,049,500  
Patent No. 5,034,323  
Patent No. 5,013,658  
Patent No. 4,962,028  
Patent No. 4,940,840  
Patent No. 4,940,839  
Patent No. 4,863,863  
Patent No. 4,855,153  
Patent No. 4,827,079  
Patent No. 4,818,699  
Patent No. 4,810,649  
Patent No. 4,808,420  
Patent No. 4,784,943  
Patent No. 4,753,808  
Patent No. 4,751,094  
Patent No. 4,751,081  
Patent No. 4,711,789  
Patent No. 4,670,275  
Patent No. 4,659,668  
Patent No. 4,650,336



012176-00621065  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
K L Bastian

TOWNSEND & TOWNSEND  
JULY 30, 1999 CREW

TOWNSEND AND TOWNSEND AND CREW LLP PTAS  
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8TH FLOOR  
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\*101053141A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/24/1999

REEL/FRAME: 009984/0796  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BURGESS, DIANE

DOC DATE: 02/22/1999

ASSIGNOR:

GUTTERSON, NEAL

DOC DATE: 02/22/1999

ASSIGNEE:

DNA PLANT TECHNOLOGY CORPORATION  
6701 SAN PABLO AVENUE  
OAKLAND, CALIFORNIA 94608-1239

SERIAL NUMBER: 09186775  
PATENT NUMBER:

FILING DATE: 11/06/1998  
ISSUE DATE:

JEEVON JONES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

06-02-1999

ket No. 012176-006210US

FORM PTO-1595

(Rev. 6-93)

To the Honorable Asst. Commissioner for Patents. Please record the attached original or copy thereof

U.S. Department of Commerce  
Patent and Trademark Office

## 1. Name of conveying party(ies):

Diane BURGESS and Neal GUTTERSON

Additional name(s) of conveying parties attached? ☐ Yes☒ No.

## 2. Name and address of receiving party(ies)

Name: DNA Plant Technology Corporation

Internal Address:

Street Address: 6701 San Pablo Avenue

City: Oakland State: CA ZIP: 94608-1239

Additional names and addresses attached? ☒ Yes ☐ No

## 3. Nature of conveyance:

☒ Assignment ☐ Merger☐ Security Agreement ☐ Change of Name☐ Other:

Execution Date: February 22, 1999 (both Burgess and Gutterson)

## 4. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 09/186,775

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Kevin L. Bastian  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
(415) 578-0200

## 6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): \$40.00

☐ Enclosed ☒ Charge Fees to Deposit Account☒ Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

8. Deposit account number: 20-1430

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## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true or copy of the original document.*

Kevin L. Bastian

Name of Person Signing

Atty Reg. No. 34,774

Signature

Date

Total number of pages including cover sheet, attachments and document 3

10. Change Correspondence Address to that of Part 5? ☒ Yes ☐ No

OMB No. 0651-0011 (exp. 4/94)

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Mail documents to be recorded with required cover to:

Asst. Commissioner for Patents  
Box: Assignments  
Washington, D.C. 20231

Attorney Docket No.: 12176-62-1

Client Reference No.: A0158

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Diane Burgess, of 2823 Kelsey Street, Berkeley, California, 94618 and Neal Gutterson, 5169 Golden Gate Avenue, Oakland, California 94618 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: MATERIALS AND METHODS FOR  
HYBRID SEED PRODUCTION

Date(s) of execution of Declaration: \_\_\_\_\_

Filing Date: November 6, 1998

Application No.: 09/186,775; and

WHEREAS, DNA Plant Technology Corporation, 6701 San Pablo Avenue, Oakland, California 94608-1239, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that Assignors will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain

## Assignment

Application No.: 09/186,775

Page 2

Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

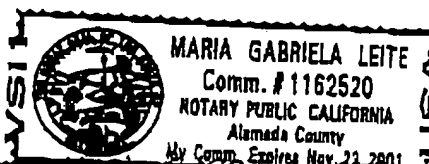
Dated: 2/22/99

Diane Burgess  
Diane Burgess

STATE OF CALIFORNIA )

ss.

COUNTY OF ALAMEDA )



On FEB 22, 1999, before me, Diane Burgess, personally appeared Diane Burgess, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]  
NOTARY PUBLIC

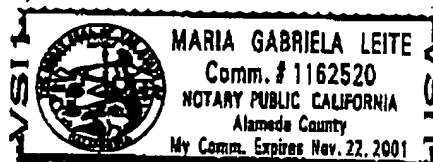
My Commission Expires: 11/22/2001Dated: 2/22/99

Neal Gutterson  
Neal Gutterson

STATE OF CALIFORNIA )

ss.

COUNTY OF ALAMEDA )



On FEB 22, 1999, before me, MARIA GABRIELA LEITE, personally appeared Neal Gutterson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]  
NOTARY PUBLIC

My Commission Expires: 11/22/2001